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7 *Counsel for Defendants Toshiba Corporation and*
8 *Toshiba America Information Systems*

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 IN RE: OPTICAL DISK DRIVE
14 ANTITRUST LITIGATION

Base Case No. 3:10-md-2143 RS

MDL No. 2143

15 This Document Relates to:

Individual Case No. 3:13-cv-05372-RS

16 INGRAM MICRO INC., et al.

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER REGARDING MODIFICATION
OF BRIEFING SCHEDULE FOR
DISPOSITIVE MOTIONS SPECIFIC TO
THE INGRAM AND SYNEX ACTION**

17 v.

18 LG ELECTRONICS, INC., et al.
19

Hon. Richard Seeborg

1 Plaintiffs Ingram Micro Inc. and Synnex Corporation (collectively, “Ingram and Synnex”),
2 and Defendants Toshiba Corporation, Toshiba America Information Systems, Inc., Panasonic
3 Corporation, Panasonic Corporation of North America, NEC Corporation, BenQ Corporation,
4 BenQ America Corp., Koninklijke Philips N.V., Lite-On IT Corp., Philips & Lite-On Digital
5 Solutions Corp., and Philips & Lite-On Digital Solutions USA, Inc. (collectively together, the
6 “Defendants”), by and through undersigned counsel, stipulate and agree to the below:

7 WHEREAS, on January 25, 2017, this Court entered a Case Management Order (“Case
8 Management Order”) setting a schedule for summary judgment motions and other deadlines in the
9 multi-district litigation styled *In re Optical Disk Drive Antitrust Litig.*, MDL No 2143 (the
10 “MDL”) (Dkt. No. 2211);

11 WHEREAS, the Case Management Order set a June 30, 2017 deadline for dispositive
12 motion(s) in the MDL;

13 WHEREAS, the Case Management Order set a July 21, 2017 deadline for *Daubert* motions
14 in the MDL;

15 WHEREAS, each of Ingram and Synnex have reached agreements in principle, or are in
16 related discussions, with each of the Defendants concerning a resolution of the claims brought by
17 Ingram and Synnex against each Defendant;

18 WHEREAS, in order to continue those negotiations and/or to finalize the terms of the
19 settlement agreements, Ingram and Synnex and Defendants request that the Court temporarily take
20 off calendar the June 30 and July 21 deadlines for Ingram and Synnex and each Defendant to file
21 any dispositive and *Daubert* motions specific to either of Ingram or Synnex in the Ingram and
22 Synnex Action only (*Ingram Micro Inc., et al v. LG Electronics, Inc., et al.*, No. 3:13-cv-05372-
23 RS, the “Ingram and Synnex Action”);

24 WHEREAS, in the unlikely event that settlement between Ingram and Synnex and any of
25 the Defendants is not finalized, counsel for Ingram and Synnex and any non-settling Defendant(s)
26 agree to meet and confer in good faith in order to submit a joint report regarding the need for a
27 revised briefing schedule, and (if necessary) a proposed revised briefing schedule, for dispositive
28 and/or *Daubert* motions specific to the Ingram and Synnex Action, no later than July 31, 2017; and

1 WHEREAS, nothing in this Stipulation alters or is intended to alter any other dates or
2 Orders of this Court in the MDL or in any other individual or related action;

3 NOW, THEREFORE, IT IS HEREBY JOINTLY STIPULATED, by and between the
4 undersigned counsel for Ingram and Synnex and Defendants, as follows:

5 1. The filing deadlines for Ingram and Synnex and Defendants to file dispositive and
6 *Daubert* motions specific to the Ingram and Synnex Action are taken off calendar.

7 2. If necessary, no later than July 31, 2017, Ingram and Synnex and any non-settling
8 Defendant(s) shall submit to this Court a joint report regarding the need for a revised briefing
9 schedule, and a proposed revised briefing schedule, for dispositive and *Daubert* motions specific to
10 the Ingram and Synnex Action.

11 **IT IS SO STIPULATED.**

12
13 Dated: June 30, 2017

LATHAM & WATKINS LLP
Attorneys for Defendants Toshiba
Corporation, and Toshiba America
Information Systems, Inc.

/s/ Belinda S Lee

16
17 Dated: June 30, 2017

WINSTON & STRAWN LLP
Attorneys for Panasonic Corporation and
Panasonic Corporation of North America

/s/ George E. Mastoris

19
20 Dated: June 30, 2017

WINSTON & STRAWN LLP
Attorneys for NEC Corporation

/s/ Robert J. Pringle

22
23 Dated: June 30, 2017

BAKER BOTTS LLP
Attorneys for Defendants Koninklijke Philips
N.V., Lite-On IT Corp., Philips & Lite-On
Digital Solutions Corp., and Philips & Lite-
On Digital Solutions USA, Inc.

/s/ Evan J. Werbel

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27 Dated: June 30, 2017

BLANK ROME LLP
Attorneys for Defendants BenQ Corporation
and BenQ America Corp.

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Dated: June 30, 2017

/s/ Lisa M. Kaas

CROWELL & MORING LLP

*Attorneys for Plaintiffs Ingram Micro Inc.
and SYNnex Corporation*

/s/ Daniel A. Sasse

**PURSUANT TO STIPULATION, AND WITH GOOD CAUSE APPEARING
THEREFORE, IT IS SO ORDERED.**

DATED: 7/7/17



HONORABLE RICHARD G. SEEBORG
United States District Judge
Northern District of California